

# Tennessee Department of Environment and Conservation

## General Permit for Emergency Road Repair

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Effective Date: July 1, 2010  
Expiration Date: June 30, 2015

### Activities Covered by this Permit:

This general permit authorizes stream alterations necessary to repair public roadways or highways in case of imminent threat to public safety. Also authorized by this general permit is the emergency repair of other linear transportation infrastructure such as railways and runways.

### Limitations of this Permit:

Certain activities due to size, location or potential water quality impacts are not covered under this general permit. Those activities are described in this section. Activities not qualifying for authorization under this general permit may be authorized by an individual permit provided that all requirements of the *Tennessee Water Quality Control Act of 1977* are met.

Emergency repairs that exceed 400 linear feet of stream alteration are not covered.

### Obtaining Permit Coverage:

The chief administrative officer of the public highway or transportation department shall notify the division by telephone, as soon as practicable, that an emergency has arisen and indicate their intentions to make repairs in response to the emergency. No advanced authorization is required where immediate repairs are necessary to protect human safety and welfare.

Within ten (10) days of completion of the emergency repair work, the division shall be notified, in writing, of the action taken and the nature of the emergency necessitating such immediate repairs.

### Terms and Conditions of this Permit:

All activities covered under this general permit shall comply with all terms and conditions contained hereinafter.

- 1) All work shall be accomplished in conformance with the limitations, requirements, and conditions set forth herein.
- 2) All work shall be carried out in such a manner as will prevent violations of water quality criteria as stated in Rule 1200-4-3-.03 of the Rules of the Tennessee Department of Environment and Conservation. This includes, but is not limited to, the prevention of any discharge that causes a condition in which visible solids, bottom deposits, or turbidity impairs the usefulness of waters of the state for any of the uses designated by Rule 1200-4-4. These uses include fish and aquatic life (including trout streams and naturally reproducing trout streams), livestock watering and wildlife, recreation, irrigation, industrial water supply, domestic water supply, and navigation.
- 3) Applicant is responsible for obtaining the necessary authorization pursuant to applicable provisions of §10 of *The Rivers and Harbors Act of 1899*; §404 of *The Clean Water Act* and §26a of *The Tennessee Valley Authority Act*, as well as any other federal, state or local laws.
- 4) Emergency repair work shall be limited to that necessary to restore pre-emergency conditions and to remove threat to public safety.
- 5) Channel enlargements or realignments are not authorized under this general permit, other than to restore pre-emergency conditions.
- 6) Sediment shall be prevented from entering waters of the state. Erosion and sediment control measures shall be designed according to the size and slope of disturbed or drainage areas to detain runoff and trap sediment and shall be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices. Information on erosion and sediment control measures can be found in the department's Erosion and Sediment Control Handbook ([www.tn.gov/environment/wpc/sed\\_ero\\_controlhandbook/](http://www.tn.gov/environment/wpc/sed_ero_controlhandbook/)).
- 7) Litter, construction debris, and construction chemicals exposed to storm water shall be picked up prior to anticipated storm events (e.g. forecasted by local weather reports), or otherwise prevented from becoming a

pollutant source for storm water discharges (e.g., screening outfalls, daily pick-up, etc.). After use, silt fences should be removed or otherwise prevented from becoming a pollutant source for storm water discharges.

- 8) Clearing, grubbing and other disturbance to the riparian vegetation shall be kept at the minimum necessary for emergency repairs and equipment operations. Unnecessary riparian vegetation removal, including trees, is prohibited.
- 9) Stream beds shall not be used as transportation routes for construction equipment. Temporary stream crossings shall be limited to one point in the construction area and erosion control measures shall be utilized where stream banks are disturbed. The crossing shall be constructed so that stream flow is not obstructed. Following construction, all materials used for the temporary crossing shall be removed and disturbed stream banks shall be restored and stabilized if needed.
- 10) Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the state. All spills shall be reported to the appropriate emergency management agency and to the division. In the event of a spill, measures shall be taken immediately to prevent pollution of waters of the state, including groundwater.
- 11) The repair shall be constructed in the dry to the maximum extent practicable, by diverting flow utilizing cofferdams, berms, temporary channels or pipes. Temporary diversion channels shall be protected by non-erodible material and lined to the expected high water level. Temporary diversion structures shall be removed following project completion.
- 12) This general permit does not authorize impacts to cultural, historical or archaeological features or sites.
- 13) Failure to comply with the terms and conditions of this permit is a violation of the *Tennessee Water Quality Control Act of 1977* and is subject to penalty in accordance with T.C.A. §69-3-115.

APPROVED: \_\_\_\_\_

Paul E. Davis, Director, Water Pollution Control

DATE: 6/28/10